

(SRI K. S. SURYANARAYANA RAO)

where consent is given to that effect, that Act becomes applicable. The State Legislature gave permission to pass an Act as contained in the resolution and it was also adopted later. Any variation under the Central Act that is made needs the concurrence of State legislature because that variation that has not been approved by this Legislature. Therefore, the contention that the State Legislature is the legislature that should adopt the Bill passed by the Parliament or that the Legislature has no jurisdiction to pass this resolution has no basis. Since this House has given consent to the Centre to pass an Act in respect of which a State Legislature has jurisdiction, the State Legislature has and should give consent to effect any changes in the Act passed by the Parliament. Therefore, we would be well within our rights to pass this resolution and without passing it the Central Amending Act will not become applicable to us.

3 P.M.

Mr. SPEAKER.—Under article 252 (1) of the Constitution it is clear that the Parliament has got the power to legislate on State subjects if the States give the power to the Parliament to legislate. If the Parliament has already legislated on a particular matter and if it wants to amend or repeal that legislation, the question is whether the power to do so also lies with the Parliament. Clause (2) of that article makes the position in this respect very clear. If an Act has already been passed by the Parliament, that Act can be amended or repealed by an Act of Parliament. For that, no resolution of this House is necessary. But for adopting that, a resolution of this House is necessary. This legislature has no power to amend or repeal such an Act. It can only adopt. When the Parliament has amended the Estate Duty Act, the only thing that remains is that, if this House wants to adopt it, it may pass a resolution to that effect. If it does not want to adopt it, it need not pass a resolution. If it is the intention of any Hon'ble

Member to improve upon it, I have no objection to it; nor will the Government have any objection to it.

Sri K. KENCHAPPA.—What is the procedure to be adopted?

Mr. SPEAKER.—We have to pass a resolution.

Sri K. KENCHAPPA.—We have to adopt the procedure followed in the case of a Bill.

Mr. SPEAKER.—A resolution cannot be a Bill.

Sri T. MARIAPPA.—It is the view of this House that they are going to adopt the amending Act.

Sri U. M. MADAPPA.—In case we do not adopt this resolution, shall we take it for granted that it will not be in force in our State?

Sri T. MARIAPPA.—Certainly.

Mr. SPEAKER.—The House will now rise for lunch and meet again after half an hour.

The House adjourned for Lunch at Ten Minutes past Three of the Clock and met again at Forty-five Minutes past Three of the Clock.

[MR. SPEAKER in the Chair]

Mr. SPEAKER.—Before we start with business I would like to announce the Bills that will be taken up tomorrow. They are (1) the Mysore Entertainment Tax Bill, 1958 and (2) the Mysore Motor Vehicles Taxation (Amendment) Bill, 1958. Both these Bills will be taken up tomorrow. Monday and Tuesday are reserved for considering the Gorwala report.

Official Resolution on Estate Duty Act

(Continued)

Sri J. B. MALLARADHYA.—In what particular issue of the *Mysore Gazette* the amending Act of 1958 has been published?

Sri T. MARIAPPA.—The date of the Gazette is Thursday, 15th May 1958.

Sri C. K. RAJAJAH SETTY (Chik-naikanhalli).—There is a further amendment in the Lok Sabha.